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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,417	12/07/2000	Chung-Seok Han	678-565 (P9615)	1514
28249 / 7590	11/21/2006			
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			EXAMINER LY, NGHI H	
			ART UNIT 2617	PAPER NUMBER

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,417

Applicant(s)

HAN, CHUNG-SEOK

Examiner

Nghi H. Ly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's admitted prior art in view of Schroderus (WO 9962283) and further in view of Hoogerwerf et al (US 5,819,171).

Regarding claims 1, the Applicant's admitted prior art teaches a method of recovering a dropped call in a mobile station (see the Applicant's Background of The Invention, page 2 lines 1-5), comprising the steps of: determining whether two consecutive good frames have been received on a traffic channel that was disconnected to determine if the disconnected traffic channel has been recovered when the dropped call (see the Applicant's Background of The Invention, page 4 lines 2-7), searching an adjacent base station whose signal arrives at the mobile station with a greater received signal strength using a searcher (see the Applicant's Background of The Invention, page 4 lines 4-7), while the determining step is performed (also see the Applicant's Background of The Invention, page 4 lines 4-11), requesting a traffic

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channel to the searched base station so that the traffic channel is assigned to the mobile station (see the Applicant's Background of The Invention, page 3 lines 8-17 and page 4 lines 4-11), assigning to the mobile station a traffic channel by the searched base station (see the Applicant's Background of The Invention, page 4 lines 10-11), resuming the call on the traffic channel that is first available between a recovered traffic channel and the assigned traffic channel (see the Applicant's Background of The Invention, page 4 lines 10-11, in the Applicant's Background of The Invention, any traffic channel that is available for the first time reads on applicant's "*traffic channel that is first available*").

The Applicant's admitted prior art does not specifically disclose assigning a traffic channel by using a physical channel used for a data transmission service.

Schroderus teaches assigning a traffic channel by using a physical channel (see Abstract, page 2, lines 32-34 and page 3, lines 18-19) used for a data transmission service (see page 1, lines 15-16 and page 1, lines 23-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Schroderus into the system of the Applicant's admitted prior art in order to allow the mobile station to synchronize with a base station.

The combination of the Applicant's admitted prior art and Schroderus does not specifically disclose determining a first available traffic channel between a record traffic channel and the assigned traffic channel.

Hoogerwerf teaches determining a first available traffic channel between a record traffic channel and the assigned traffic channel (see column 7, lines 51-62, see "*new voice channel*", "*old voice channel*", "*re-tunes back*" and "*re-establish*", and see column 6, lines 45-55 and column 8, lines 6-16 for "*dropped call*").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Hoogerwerf into the system of the Applicant's admitted prior art and Schroderus in order to provide a technique for rerouting a wireless telephone call (see Hoogerwerf, column 1, lines 5-8).

Regarding claim 2, the Applicant's admitted prior art further teaches the traffic channels are fundamental channels (see the Applicant's Background of The Invention, page 2 lines 1-5 "traffic channel").

Regarding claim 3, the Applicant's admitted prior art further teaches the physical channel for data transmission is a supplemental channel (see the Applicant's Background of The Invention, page 2 lines 1-5 "paging channel").

Regarding claim 4, the Applicant's admitted prior art further teaches the physical channel for data transmission is a common control channel (see the Applicant's Background of The Invention, page 2 lines 1-5 "synch channel").

Regarding claim 5, claim 5 is rejected with the similar reason as set forth in claim 1 above.

Regarding claim 8, claim 8 is rejected with the similar reason as set forth in claim 1 above.

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Regarding claim 9, the Applicant's admitted prior art further teaches the physical channel for data transmission is a common control channel (see the Applicant's Background of The Invention, page 2 lines 1-5 "synch channel").

Regarding claim 10, claim 10 is rejected with the similar reason as set forth in claim 1 above.

Regarding claim 11, claim 11 is rejected with the similar reason as set forth in claim 1 above.

Response to Arguments

3. Applicant's arguments filed 09/08/06 have been fully considered but they are not persuasive.

On page 6 of applicant's remarks, applicant argues that "the next Office Action, if issue, must be non-final".

In response, this Office Action should be final since applicant already amended the claims.

On pages 6-8 of applicant's remarks, applicant argues that the AAPA (page 4 lines 10-11) does not teach resuming the call on the traffic channel that is first available between one of a recovered traffic channel and the assigned traffic channel.

In response, the AAPA does indeed teach resuming the call on the traffic channel that is first available between a recovered traffic channel and the assigned traffic channel (see the Applicant's Background of The Invention, page 4 lines 10-11, in the Applicant's Background of The Invention, any traffic channel that is available for the first time reads on applicant's "traffic channel that is first available").

On page 8 of applicant's remarks, applicant argues that Hoogerwerf fails to teach "resuming a call on a traffic channel that is available earlier between a recovered traffic channel and an assigned traffic channel".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *resuming a call on a traffic channel that is available earlier between a recovered traffic channel and an assigned traffic channel*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

